

**U.S. Department of the Interior
Bureau of Land Management**

**Bureau of Land Management
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**Finding of No Significant Impact
concerning
Environmental Assessment DOI-BLM-CAD0500-2011-050-EA
For the
C.R. Briggs Corporation Goldtooth South Project,
CACA-33490**



FINDING OF NO SIGNIFICANT IMPACT

Title : C.R. Briggs Corporation Goldtooth South Project,

Case Type: Amendment to Plan of Operations CACA-33490

Environmental Assessment: DOI-BLM-CAD-0500-2011-050-EA

Proposed Action: A proposal to expand an existing open pit at the Briggs Mine, called the Goldtooth South Pit, plus ancillary facilities associated with that expansion.

Applicant/Proponent: C.R. Briggs Corporation, P.O. BOX 668, Trona, CA 93592

Location of Proposed Action: Portions of Sections 12, 13, 14, 23 and 24 of Township 23 South, Range 44 East of the Mount Diablo Meridian, being located on the west flank of the Panamint Range within Inyo County, California.

INTRODUCTION

CR Briggs Corporation has applied BLM for permission to amend mining plan of operation CACA-33490. The Briggs Corporation proposes to expand their Goldtooth South Pit situated at the Briggs (gold) Mine approximately 8 miles south of Ballarat, California. The disturbance associated with this proposal includes 12 acres at the pit itself, 5 additional acres to topsoil stockpiles and up to 74 acres growth at the mine's South Waste Rock Dump and contingency area, adding up to a total of 94 acres additional disturbance.

The Briggs project includes 2,076 acres of public land at the mine itself plus 287 acres for an off-site borrow area, 2,363 acres in all. This same land was studied and analyzed by Environmental Impact Statement EIS CA065-NEPA-94-03, Record of Decision issued July 20, 1995, and the mining plan of operation authorized as CACA-33490. All parts of the present proposed expansion take place entirely within the above area. Previous environmental documents did not foresee the extent to which pits might grow at the Briggs Mine, as 1995 plans did not anticipate the extent of future economic mineral deposits (due to increases in gold price since 1995). The present proposed expansion requires an approval from the Bureau of Land Management. Environmental Assessment DOI-BLM-CAD-0500-2011-050-EA was prepared to analyze the reasonably foreseeable effects of implementing this expansion, and to assist BLM management to decide whether the effects of approval are, or are not, sufficiently significant to require preparation of an Environmental Impact Statement in conformance with the National Environmental Policy Act.

Purpose and Need. The BLM has a need to provide for ingress, egress and development of Briggs mining claims established by the Mining Law of 1872. The Federal Land Policy and Management Act of 1976 establishes that, while not impairing the rights created by the Mining Law of 1872, the BLM take any action necessary to prevent unnecessary or undue degradation of public lands. The BLM carries out both purposes through implementation of Surface Management regulations 43 CFR 3809, with guidance provided by pertinent land management plans plus appropriate BLM manuals and handbooks.

PLAN CONFORMANCE AND CONSISTENCY

This Proposed Action is subject to the following Land Use Plans:

California Desert Conservation Area Plan of 1980, as Amended;

Northern and Eastern Mojave Management Plan

The Proposed Action has been reviewed and found to be in conformance of the existing land use plans for the Project Area. The plans classify these lands as Limited Use, and also state that mining activities are allowed in Limited Use lands subject to appropriate authorization under the Surface Management regulations contained in Title 43, Subpart 3809 of the Code of Federal Regulations.

FINDING OF NO SIGNIFICANT IMPACT

The Ridgecrest Field Office interdisciplinary review determined that the proposed action would not trigger significant impacts on the environment based on the criteria established by regulations, policy and analysis. On the basis of the information contained in Environmental Assessment DOI-BLM-CAD-0500-2011-050-EA and other information available to me, it is my determination that:

- Implementation of the proposed action will not have significant environmental impacts beyond those already addressed in the California Desert Conservation Plan of 1980 and Environmental Impact Statement EIS CA065-NEPA-94-03 (the Briggs EIS);
- The proposed action is in conformance with BLM land use management plans ;
- The proposed action does not constitute a major Federal Action having a significant effect on the human environment, either individually or cumulatively with other actions in the general area.

No environmental effects meet the definition of significance in context or intensity as defined in 40 CFR 1508.27 and do not exceed those effects described in applicable land use plans. Therefore preparation of an environmental impact statement to further analyze possible impacts is not required and will not be done. This determination is based on the rationale that the significance criteria as defined by Title 43, Subpart 1508.27 have not been met. In making this Finding Of No Significant Impact (FONSI) the following criteria have been considered.

RATIONALE

Significantly as used in NEPA requires considerations of both context and intensity:

(a) Context. This means that the significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the locale rather than in the world as a whole. Both short- and long-term effects are relevant. Environmental impacts associated with the proposed action and alternatives have been assessed by interdisciplinary team and described in Environmental Assessment DOI-BLM-CAD-0500-2011-050-EA. The context of the EA analysis is determined to be at a local and regional scale in Inyo County, California. The effects of the action are not applicable on a national scale as no nationally significant values are involved

(b) Intensity. This refers to the severity of impact. Responsible officials must bear in mind that more than one agency may make decisions about partial aspects of a major action. The following should be considered in evaluating intensity:

(1) Impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial.

Beneficial Effects. The proposed action would extend the life of the Briggs mine for possibly 3 to 5 additional years, providing jobs for the local economy, employment for citizens and tax revenue for the government of Inyo County, California.

Adverse Effects. The proposed action will disturb additional land, vegetation and wildlife habitat adjoining to existing pits and stockpiles at the Briggs Mine. The pit expansion would encompass and directly impact a set of old underground workings known as the Goldtooth mine adit. That adit is or has been used during summer months as a maternity roost of the Townsends Bat. Its removal means this adit would no longer be available for shelter during summer months, and these specific bats would need to seek elsewhere for appropriate site(s) during their maternity season.

(2) The degree to which the proposed action affects public health or safety.

Air Resources. As discussed in Chapters 3, 4 and Appendix C of the environmental assessment, the Briggs Mine already has and remains in compliance with necessary permits of the Great Basin Unified Air Pollution Control District. Measures to control dust and pertinent gas emissions are already in place and will continue to remain in effect as a condition of operations.

Global Warming/Greenhouse Gas Emissions. As discussed in Chapters 1, 3, and 4 of the environmental assessment, current production of carbon dioxide and equivalent gases for the Briggs Mine is estimated as roughly 11,709 metric tons/ year equivalent, while the threshold for reporting to the Environmental Protection Agency is 25,000 metric tons/year. The Briggs Mine falls below the threshold for reporting Greenhouse Gas emissions to the EPA. It is expected the proposed action will continue, but not significantly increase production at this level. The Briggs Mine thus falls below the minimum for any quantifiable, measurable analysis on the topic of global warming.

Water Resources. The Briggs Mine already has appropriate water quality and water discharge permits in place from the Lahontan Regional Water Quality Control Board. The proposed action will necessitate slight amendments to these permits in agreement with the proposed acreage of disturbance. These permits and performance standards are a condition of operation and will continue to remain so. Thus the proposed action is not expected to result in any significant change to surface or underground water resources.

Soil and Vegetation. As shown in Figures 2.1-1 and 3.1-1 of the environmental assessment, the proposed action would result in disturbing up to 94 acres around the existing Goldtooth Pit and nearby waste rock dump(s). Soil would be lost or disturbed due to excavation and stockpiling of rock. Measures for future reclamation, slope stability and revegetation of such disturbed areas are already in place at the Briggs Mine, and have already been addressed in the Environmental Impact Statement/ Environmental Impact Report for the Briggs Project approved May 1995. Such measures would continue to remain in place.

(3) Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

The proposed action does not include or affect any park lands, prime farmlands, wetlands, wild and scenic rivers or ecologically critical areas. The proposed action includes no site(s) eligible for the National Historic Register.

(4) The degree to which the effects on the quality of the human environment are likely to be highly controversial.

Controversy in this context (of federal regulation 43 CFR 1508.27(b)(4)) means disagreement about the nature of the effects, not expressions of opposition to the proposed action or preference among the alternatives. There is always some disagreement about the nature of effects for land management actions, and a decision-maker must exercise some judgment in evaluating the degree to which effects are likely to be highly controversial. Substantial disagreement within the scientific community about the effects of a proposed action would indicate the effects are likely to be highly controversial.

Townsend's Bat. There is general agreement among biologists concerning the nature of the effects for the proposed action: that is the Goldtooth mine adit will no longer exist for usage as a summer maternity site by the Townsend's Bat, and bats that formerly used this site will be forced to seek elsewhere during the summer maternity season.

(5) The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks. In this context significance does not arise from the presence of risk; it arises from a high degree of unique or unknown risks. If the risks are known and have been incurred for similar actions in the past, significance is not implicated.

The effects to the human environment are discussed in Chapter 4 of the environmental assessment. No highly uncertain, unique or unknown risks are anticipated from implementation of this proposed expansion of the Goldtooth pit. There is certainty concerning the form or nature of the risk involved: that being whether the removal/destruction of the Goldtooth Adit will, or will not, deprive the Townsend Bats of Redland Springs of a suitable maternity roost.

Data on bats in the western Panamint Mountains are limited, difficult or even dangerous to obtain, with the added impediment that the act of observation can potentially change the very behavior being observed. When analyzing a similar situation, the 1995 Environmental Impact Statement states (Section 4.5.1.1.2 of Volume 2) that if the maternity colony that utilizes the project site does not successfully relocate, the impact to this species would be considered significant. It also goes on to say that if the maternity colony is found to successfully relocate and is documented at an alternate roost site that appears capable of supporting them, and necessary measures are implemented to protect the new roost, project impacts to the Townsend's Big-Eared Bat would be determined to have been mitigated to a level of less than significant.

The Townsend's Bat has no reason to test the acceptability of an alternative maternity roost until the current one is unavailable. When weighing the reasonably foreseeable impacts of an action, one may base such evaluation on theoretical approaches generally accepted in the scientific community. In their letter of

December 7, 2011 the California Department of Fish and Game concluded that the applicant committed measures (detailed in section 4.5.2.1 of the environmental assessment), with some minor modifications, will be adequate to offset negative impacts to this species. A qualified bat biologist observed sign (i.e. fresh guano) of approximately 50 Townsend Bats in another adit (Adit 14) by Redlands Canyon during the parameters of the summer maternity season (refer Appendix F of the environmental assessment). I have considered these facts and comments in composing measures to offset the effects of this proposed action. These measures are attached to this FONSI and the affiliated Decision Record for this action. In my opinion these measures are sufficient to offset the uncertainty of this action to a level of significance less than that requiring the preparation of an environmental impact statement.

(6) The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration. This action does not represent a precedent for future actions with significant effects, nor does it represent a decision in principle about a future consideration (for example, whether development of mineral resources takes precedence over all other resources without regard to the principle of preventing unnecessary or undue degradation of public lands and resources). The approval of this action is subject to measures and conditions designed to prevent unnecessary or undue degradation of public lands and resources.

(7) Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.

The cumulative effects of this action to air, water, soil & other resources are discussed in Chapter 4 of the environmental assessment and are similar to those described in previous environmental documents.

The removal/destruction of the Goldtooth adit represents loss of the 3rd Townsends Bat maternity roost in the western Panamint Mountains since commencement of the Briggs project (the first two being the Briggs and North Briggs adits in 1995). At the same time this proposal includes measures to protect and monitor other adits in the region for usage as Townsends Bat maternity roost(s). In addition this proposal includes a measure that, if monitoring demonstrates that existing adits are not acceptable for usage as maternity roosts by the Redlands Canyon bat colony, the operator shall consult with a qualified bat biologist and construct an artificial habitat with concurrence of the Bureau of Land Management and the California Department of Fish & Game. In my opinion these measures are sufficient to reduce cumulative impacts to a level of significance less than that requiring preparation of environmental impact statement, and one will not be prepared.

(8) The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources. The proposed action is not expected to adversely affect any district, site, highway, structure or object listed in or eligible for listing in the National Register of Historic Places, nor is the proposed action expected to result in loss or destruction of any significant scientific, cultural or historic resource.

(9) The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973. This proposal is not expected to adversely affect any endangered or threatened species under the Federal Endangered Species Act of 1973, or any habitat of any endangered or threatened species determined to be critical under the Endangered Species Act of 1973.

(10) Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment. The proposed action does not violate or threaten to violate any Federal, State or local law imposed for protection of the environment.

Monitoring

Monitoring of the analysis and conclusions made in DOI-BLM-CAD-0500-2011-050-EA will be conducted by BLM resource specialists. There will be continued monitoring of the adit(s) and/or bat habitat(s) discussed in Chapters 1-4 of that environmental assessment. The reclamation measures for the Briggs mining operation will be monitored and enforced by the Bureau of Land Management, the California Department of Conservation, the Lahontan Regional Water Quality Control Board, and the County of Inyo.

Authorized Officer



Carl B. Symons

Acting Field Manager,

Ridgecrest Field Office

2/1/2012

Date

MITIGATION AND RESOURCE CONSERVATION MEASURES FOR THE CR BRIGGS CORPORATION GOLDTOOTH SOUTH PROJECT

Previous Decisions

- The conditions and mitigation measures from the Record of Decision approved July 1995 (environmental impact statement CA065-NEPA-94-03) and the Decision Record approved January 2000 (environmental assessment CA065-NEPA99-164) each remain in effect.

Air Quality

- Diesel-fired generators incorporate best available control technology (BACT) for emission control based on latest ARB and GBUAPCD rules.
- ARB-certified ultra low-sulfur diesel (ULSD) fuel containing 15 ppm sulfur or less shall be used in all diesel-powered construction equipment.
- Diesel equipment engine idle time shall be restricted to no more than five minutes as per ARB rules.
- All off-road construction diesel engines not registered under ARB's Statewide Portable Equipment Registration Program, which have a rating of 50 hp or more, shall meet, at a minimum, the Tier 2, 3 or 4 as specified in California Emission Standards for Off-Road Compression-Ignition Engines unless that such engine is not available for a particular item of equipment. In the event that event equipment shall be equipped as noted in the regulations.
- The primary crusher incorporates BACT (water sprays) and the requirements of NSPS LL for PM10 control.
- Secondary and tertiary crushers, screens, and lime silo incorporate BACT (baghouses) and requirements of NSPS LL for PM10 control.
- Portable conveyors for transporting ore between the crushing circuit and the heap leach pad utilize water sprays for PM10 control.
- Fugitive dust emissions from ore hauling are controlled with a routine application of water and surfactant.
- Fugitive dust emissions from drilling in the mine pit are controlled using a pneumatic flushing and filter system, water injection or other measures as required by APCD.
- Watering of road and earthmoving areas occur during onsite construction and for offsite borrow activities, if any. Surfactants are used to reduce water consumption.
- Onsite vehicles and equipment are maintained on a routine basis to reduce exhaust emissions.
- Roads are maintained on a routine basis.

- HCN emissions are minimized by pH control to prevent the formation of HCN gas and by burying solution distribution lines on the top of the leach pad.

Soil

- The South Waste Rock Dump Contingency Area may be used to store additional rock waste as a result of deepening existing pits. If this area is used, then construction would create a continuous landscape between the leach pad and the South Waste Rock Dump. The area would be re-graded and contoured to resemble the natural alluvial fan.
- Suitable growth media would be salvaged from all areas prior to construction, except on steep slopes to maintain worker safety. Stockpiles would be stabilized to minimize loss of soils through wind and water erosion. Growth media would be redistributed over the Proposed Action area in accordance with the existing reclamation plan upon closure.

Vegetation

- *Ferocatus sp.* and other cactus species shall be salvaged when identified during grubbing and clearing.
- Backfilled areas shall be reclaimed by the operator.
- Briggs would employ effective reclamation tactics including reseeding, contouring, effective storm water management, and utilization of BLM/ Inyo County recommended seed mixes. Effective storm water controls would limit impact of disturbance on adjacent undisturbed vegetation.

Wildlife

Townsend's Bat

The measures committed as mitigation strategies for protection of the Townsend's Big-Eared Bat are incorporated as conditions of approval for this plan authorization. The operator shall

- Exclude bats from the Goldtooth adit prior to mining activities. This includes monitoring bats at dusk using night vision equipment and dropping exclusion netting after bats stop exiting the Goldtooth adit. Exclusion activity shall continue until all bats are evicted.
- Initiate a mitigation strategy for the Townsend's big-eared bat that has been developed with inter-agency and professional biological input, for the removal of the Goldtooth adit. Bats shall be excluded from the Goldtooth adit prior to mining activities. This includes closure of the Goldtooth adit for the fall of 2011 and winter of 2011/2012, prior to any planned mining activity.
- Survey Adit 14 in the spring and summer of 2012 and 2013, during the maternity seasons, to determine if it has been accepted as an alternative maternity roost site. Acceptance of Adit #14 shall be documented by growth trends in the population of the bats and use of the adit as a maternity roost as determined by the BLM authorized officer in consultation with a BLM approved qualified bat biologist familiar with bat populations in the California Desert. Thermal data loggers shall be installed in the mine and drop cloths would be placed down to collect guano

during the winter season of 2011/2012. A safe hiking trail shall be constructed to Adit #14 to provide access for continued monitoring.

- Survey Adit 14 for at least the next five years to determine whether bats relocate there, the species distribution, and type of use.
- Survey the Cecil R, Anthony Mill and Jackpot adits at least once a year to continue monitoring of Townsend's big-eared bat population trends. Surveying shall be conducted in the spring (April or May) or in the summer (late July or early August). Bat gates at these adits shall be maintained. The lower Jackpot gate will be repaired and an additional gate shall be installed at Anthony Mill.
- Revisit the remaining mines near Redlands Canyon in the spring of 2012 (that were located in 1989-1994) for signs of a maternity colony.
- Mist-net Redlands Spring at the direction of the BLM authorized officer if that authorized officer, after consultation with the CDFG, determines that a sufficient number of bats have not relocated to Adit 14. If determined to be necessary, this mist-netting would be done in the spring and summer in an attempt to capture reproductive females. A telemetry study may be conducted to locate the displaced colony.
- Construct a new maternity habitat if after two years it is determined by the BLM authorized officer, after consultation with a BLM approved qualified bat biologist familiar with bat populations in the California Desert, that the Townsend's big-eared bats do not accept Adit #14 and if no new sites are discovered near Redlands Canyon. This shall be a suitable new maternity habitat with the same temperature regimes as the Goldtooth Adit and with sufficient volume to insure thermal stability. If determined to be necessary, the maternity habitat shall be constructed with guidance from a BLM approved, qualified bat biologist familiar with bat populations in the California Desert and with concurrence from the BLM and CDFG. Construction of a bat habitat would require a NEPA analysis separate from environmental assessment DOI-BLM-CA-D050-2011-050-EA. As a wildlife habitat rehabilitation measure per Surface Management Performance Standards 43 CFR 3809.420(b)(3) and 3809.420(a)(4), the design and construction of such a habitat would be treated as an amendment to the Briggs reclamation plan subject to the financial guarantee requirements of 43 CFR 3809.500. Briggs would then monitor this site for up to six years to track acceptance by the bats.

Relationship to Other Permits and Authorizations

- All equipment, devices, practices and operations at the Briggs Mine shall comply with pertinent Federal, State and local laws and regulations. These include regulations, permits and operating standards of the U.S. Environmental Protection Agency, U.S. Mine Safety Health Administration, California Department of Conservation, County of Inyo, Lahontan Regional Water Quality Control Board, and the Great Basin Unified Air Pollution Control District.
- All operations at the Briggs Mine shall be conducted in compliance with pertinent Federal and State laws. These include the California Surface Mining & Reclamation Act, Clean Water Act, Federal Clean Air Act, Endangered Species Act and National Historic Preservation Act.